

TAB

OGC Has Reviewed

23 July 1956

MEMORANDUM FOR: Deputy Director (Support)

ATTENTION:

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SUBJECT: Advance Travel of Dependents

1. Public Law 737, 83rd Congress, approved 31 August 1954, amended the Administrative Expenses Act of 1946 by authorizing home leave travel for an employee and his immediate family and by authorizing the advance transportation of dependents under certain circumstances. Such advance transportation to the United States at Government expense is authorized "when the employee has acquired eligibility for such transportation or when the public interest requires the return of the immediate family for compelling personal reasons of a humanitarian or compassionate nature . . . or obligation imposed by authority or circumstances over which the individual has no control."

2. The act further provides that if an employee returns his immediate family to the United States at his own expense (that is, under circumstances where the foregoing provision does not apply) that the Government "shall reimburse him for proper transportation expenses at such time as he acquires eligibility therefore."

3. The regulations under Public Law 737 are contained in Bureau of the Budget Circular No. A-4, dated 2 May 1955. This circular provides, in Section 29: "In accordance with regulations prescribed by the head of the department concerned, an employee who, at his own expense . . . on or after August 31, 1954, returns his immediate family and his household goods and personal effects, or any part thereof, to the continental United States, its territories, or possessions prior to his return thereto shall, at such time as the employee becomes eligible for return at Government expense, be reimbursed for the proper expenses which he had previously paid. Such expenses will be reimbursed by the Government not in excess of one time during each agreed-upon period of service and shall be subject to the Standardized Government Travel Regulations."

4. On 12 July 1956, I consulted the Index Digest Section of the General Accounting Office and obtained a reference to all Comptroller General's Decisions so far rendered under Public Law 737. There are

seven such decisions, two of which (see paragraph 5) bear on the question of advance return of dependents.

Published:

35 Comp. Gen. 78, 9 August 1955
35 Comp. Gen. 101, 24 August 1955
35 Comp. Gen. 244, 28 October 1955
35 Comp. Gen. 271, 4 November 1955

Unpublished:

B-124005, 6 October 1955
B-127205, 9 May 1956
B-127528, 9 May 1956

5. 35 Comp. Gen. 101, 24 August 1955, interprets Public Law 737 and Bureau of the Budget Circular A-4 to mean that if an employee has completed his tour his family is authorized to return to the United States whether or not the employee does so. They cannot again return to the post at Government expense, however, until the employee signs a new overseas tour agreement and actually takes home leave. If he wishes to, he may return them to the post at his own expense and will be reimbursed therefor when he has taken home leave himself. This view is further approved in (unpublished) B-127528, 9 May 1956, although the decision turns on a different point.

6. The prior Agency practice has been to require the employee actually to travel before he is entitled to reimbursement for prior advance travel of his dependents at his personal expense. Apparently this is a more stringent rule than we need apply. It is suggested that policy consideration be given to relaxing the Agency rule and conforming it with that of other Government departments under Public Law 737.

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Assistant General Counsel

OGC:RFB:mz

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